Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	MB Docket No. _____
Table of Allotments,	)	RM-_____
Digital Television Broadcast Stations	)	
(Greenwood, Mississippi)	)	
	)	

To: Office of the Secretary
Attn: Chief, Video Division
Media Bureau

PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS

Mississippi Broadcasting Partners ("MBC"), licensee of WABG-TV, Greenwood, Mississippi, by its attorneys and pursuant to Sections 1.401 and 73.622(a) of the Commission's Rules,[1] hereby respectfully petitions the Commission to institute a rulemaking to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 32 as WABG-TV's paired DTV allocation in lieu of Channel 54, as originally allotted.

WABG-TV serves the Greenwood-Greenville, Mississippi DMA, which is ranked 182nd in the United States.[2] WABG-TV currently operates on NTSC Channel 6 and its paired DTV allocation is Channel 54. To date, the FCC has granted MBC extensions of time through April

1 47 C.F.R. §§ 1.401, 73.622(a) (2002).

2 BROADCASTING & CABLE YEARBOOK 2003-2004, B-167 (2003).

23, 2004, to construct WABG-DT due to financial reasons,[3] and on February 23, 2004, MBC filed a request for a further extension of time to construct WABG-DT.[4]

In conjunction with the DTV transition, the Commission has designated Channels 2-51 as the core television spectrum and will reclaim Channels 52-69 for new services at the end of the DTV transition.[5] As a result, at the end of the DTV transition, MBC will be required to relocate WABG-TV's DTV operations from out-of-core Channel 54 to either to its NTSC Channel 6 (which is less desirable than Channel 32 due to its inferior propagation characteristics) or to another channel. If WABG-DT were to first construct Channel 54 facilities, most of that investment would be wasted due to the incompatibility of the Channel 54 transmission equipment with the equipment WABG-DT would subsequently need to transmit on an in-core channel.

The Commission already has "recognize[d] the additional burden placed on licensees with out-of-core DTV allotments."[6] Accordingly, "to the extent that in-core channels become available during the transition, we will attempt to further reduce the number of out-of-core allotments in any future amendments to the Table."[7] In accordance with this policy, the Commission has granted numerous petitions for rule making proposing amendments to the DTV

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3 *See* FCC File Nos. BEPCDT-20020228AEX, BEPCDT-20021002AAI, and BEPCDT-20030716ACN.

4 *See* FCC File No. BEPCDT-20040223AQQ.

5 *See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Notice of Proposed Rule Making*, 16 FCC Rcd 7278, ¶ 5 (2001).

6 *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418, ¶ 55 (1998).

7 *Id.*

Table of Allotments to substitute core allotments for out-of-core allotments.[8] In doing so, the Commission has explained that such channel substitutions serve the public interest by enabling stations to commence and continue operations on core channels after the end of the DTV transition, thereby avoiding the need to construct two sets of digital transmission facilities.[9]

Similarly, MBC's proposed channel substitution would permit WABG-DT to commence DTV operations on a core channel and construct only one set of digital transmission facilities. Grant of this channel substitution therefore would permit WABG-TV to reduce the costs of the DTV transition, which would be consistent with Commission rules and policies designed to assist smaller market stations by reducing the costs of the DTV transition.[10] Accordingly, issuance of a Notice of Proposed Rule Making and grant of the proposed amendment would serve the public interest and achieve an efficient use of spectrum.

The proposed channel substitution also would advance the Commission's goal of reclaiming non-core spectrum as required by Section 309(j)(14) of the Communications Act.[11] To date, the Commission has adopted licensing and service rules for the reallocation of Channels

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8 *See, e.g., Sault Saint Marie, Michigan*, 18 FCC Rcd 18114 (2003); *Harrisburg, Pennsylvania*, 17 FCC Rcd 22673 (2002); *La Crosse, Wisconsin*, 16 FCC Rcd 4647 (2001); *Thomasville, Georgia*, 15 FCC Rcd 18347 (2000).

9 *See, e.g., Sault Saint Marie, Michigan*, 18 FCC Rcd 18114, ¶ 2 (2003) ("We belive the public interest would be served by substituting DTV channel 9 for DTV channel 56 since it will permit Scanlan to reduce its initial build-out and overhead costs."); *La Crosse, Wisconsin*, 16 FCC Rcd 4647, ¶ 2 ("We believe the public interest would be served by adopting the proposed substitution of DTV 41 for DTV channel 53 since it will permit station WKBT-TV to continue operation on a [sic] in-core channel at the end of the DTV transition period.").

10 *See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809, ¶ 78 (1997) (adopting the staggered DTV construction schedule, which will "help keep costs lower for smaller market stations").

11 47 U.S.C. § 309(j)(14) (2000) (requiring the Commission to auction spectrum recaptured from broadcast television as a result of the DTV transition).

60-69 (the "Upper 700 MHz Band") to commercial and public safety services[12] and for the reallocation of Channels 52-59 (the "Lower 700 MHz Band") to fixed, mobile, and new broadcast services.[13] The Commission also has completed its auction of the Lower 700 MHz Band, which includes WABG-DT's Channel 54.[14] Although these auction winners may operate on the Lower 700 MHz Band prior to the end of the DTV transition,[15] they are required to protect incumbent broadcast stations such as WABG-DT that are located in the Lower 700 MHz Band.[16] By permitting WABG-DT to vacate Channel 54 prior to the end of the DTV transition, the Commission will provide the auction winner for that spectrum with additional flexibility in its use of the spectrum and would facilitate and expedite the Commission's efforts to introduce new services on the Lower 700 MHz Band.

As the attached Technical Statement of Denny & Associates, P.C. ("Technical Statement") demonstrates, the proposed channel substitution complies with the Commission's

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12 *See Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Third Report and Order*, 16 FCC Rcd 2703 (2001); *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Second Memorandum Opinion and Order*, 16 FCC Rcd 1239 (2001); *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Memorandum Opinion and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 20845 (2000).

13 *See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Memorandum Opinion and Order*, 17 FCC Rcd 11613 (2002); *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Report and Order*, 17 FCC Rcd 1022 (2002).

14 *See* Public Notice, "Lower 700 MHz Band Auction Closes," DA 02-2323 (rel. Sept. 20, 2002).

15 *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Report and Order*, 17 FCC Rcd 1022, ¶ 6 (2002).

16 *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Report and Order*, 17 FCC Rcd 1022, ¶ 38 (2002).

technical rules.[17] WABG-DT's proposed service area encompasses its community of license as required by the Commission's rules, and the proposed allotment parameters comply with the Commission's *de minimis* interference standard.[18] The proposed channel substitution also will not result in short-spacing or contour overlap to Class A television stations.[19]

MBC affirms that upon grant of the requested amendment to the DTV Table of Allotments, it timely will submit an application for a construction permit to operate WABG-DT on Channel 32 in accordance with applicable Commission rules and policies governing construction and commencement of operation.

For the foregoing reasons, MBC respectfully requests that the Commission amend the DTV Table of Allotments as set forth in Section 73.622(b) of its Rules to substitute Channel 32 for Channel 54 for use by WABG-DT in Greenwood, Mississippi, as follows:

	Present	**Proposed**
Greenwood, MI	*25, **54**	*25, **32**

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17 *See* Technical Statement appended at Attachment.

18 *See* 47 C.F.R. §73.623(c); *see* Technical Statement.

19 *See* Technical Statement at Figure 3, page 1.

Adoption of this proposal would serve the public interest by permitting WABG-DT to commence operations on a core channel and by facilitating the reallocation of non-core spectrum prior to the end of the DTV transition.

Respectfully submitted,

MISSISSIPPI BROADCASTING PARTNERS

By: _____
M. Anne Swanson
Nam E. Kim

Its Attorneys

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(202) 776-2000

Dated: February 23, 2004

ATTACHMENT

Technical Statement

DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
OXON HILL, MARYLAND

ENGINEERING EXHIBIT
IN SUPPORT OF A
PETITION FOR RULEMAKING
TO AMEND SECTION 73.622(b) OF THE FCC RULES,
DTV TABLE OF ALLOTMENTS
MISSISSIPPI BROADCASTING PARTNERS
STATION WABG-DT
GREENWOOD, MISSISSIPPI

ENGINEERING STATEMENT

INTRODUCTION

The engineering exhibit of which this statement is part was prepared in accordance with Section 73.623(c) of the FCC Rules on behalf of Mississippi Broadcasting Partners (hereinafter MBP) to request the substitution of digital television (DTV) channel 32 (578-584) megahertz (MHz)) for DTV channel 54 (710-716 MHz) at Greenwood, Mississippi, for use by its station WABG-DT. WABG-TV, Greenwood, Mississippi, is licensed to operate on NTSC channel 6 (82-88 MHz), and Table 1, *DTV Allotments, Assignment Pairings with Analog Stations, and Service Replication and Interference Evaluation,* of the *Sixth Report and Order* in MM Docket Number 87-268, as revised, pairs DTV channel 54 with the existing WABG-TV NTSC channel 6 assignment. The reference facilities for DTV

operation on channel 54 at Greenwood are 1000 kilowatts (kW) maximum effective radiated power (ERP) and 597 meters antenna radiation center height above average terrain (HAAT). The reference geographic coordinates, referenced to the 1927 North American Datum (NAD27), for the DTV channel 54 allotment at Greenwood are:

33° 22' 23" North Latitude

90° 32' 31" West Longitude.

RATIONALE FOR SUBSTITUTION

The current WABG-TV DTV allotment is outside the core channels. The substitution of channel 32 for channel 54 at Greenwood would eliminate the need for MBP to expend the resources to construct WABG-DT twice, initially on channel 54 and then again on a core channel assignment at the end of the transition period. The substitution also would allow channel 54 to be returned and used for other purposes much sooner than would be the case if the non-core channel were used for DTV broadcasting. Adoption of this proposal will conserve future FCC resources in that there will be no need for the FCC to administer the relocation of WABG-DT to a core channel at the end of the transition period. Finally, the public interest will be served

because the viewer confusion that would accompany an additional broadcast station channel change would be avoided.

PROPOSED REFERENCE FACILITIES

MBP requests reference facilities of 1000 kW maximum ERP and 610 meters antenna radiation center HAAT for DTV channel 32 at Greenwood. The reference coordinates (NAD27) for the proposed DTV channel 32 allotment at Greenwood are:

33° 22' 23" North Latitude

90° 32' 25" West Longitude.

In order to prevent interference exceeding the established maximums, a radiation constraint to the northwest must be associated with the allotment. Figure 1, Sheet 1, of this exhibit is a plot of the horizontal plane radiation pattern proposed for this allotment. Figure 1, Sheet 2, of this exhibit is a tabulation of the data used in preparing the plot of Sheet 1.

PRINCIPAL COMMUNITY COVERAGE

The substitution of DTV channel 32 for TV channel 54 at Greenwood complies with the principal community coverage requirements of Section 73.625(a) of the FCC Rules and the interference limits set forth in Section 73.623(c)(2) of the FCC Rules. Figure 2, Sheet 1, of this exhibit is a portion of a map showing the location of the 48 dBμ F(50,90) coverage contour for the operation of WABG-DT at the allotment reference point with the allotment reference facilities of 1000 kW maximum ERP and 610 meters antenna radiation center HAAT. The map shows that all of Greenwood, Mississippi, is enclosed by the proposed WABG-DT principal community coverage contour as required by the FCC Rules. The distances to the coverage contour shown on the map of Figure 2, Sheet 1, are tabulated in Figure 2, Sheet 2 of this exhibit.

INTERFERENCE CONCERNS

An interference study made using the FCC's Bulletin 69 methodology shows that virtually no interference to other stations, assignments, or allotments is predicted from the use of DTV channel 32 at Greenwood as is proposed herein. Thus, this proposal comports with the

technical requirements of Section 73.623 of the FCC Rules. A copy of the study report is included as Figure 3 of this exhibit.

The interference study identified one DTV reference allotment and two assignments that warrant further discussion. The reference allotment is channel 32 at Little Rock, Arkansas, which is used by KARK-DT. The two assignments are construction permits for WMAI(TV), channel 31, Cleveland, and WMYC(TV), channel 32, Yazoo City, both Mississippi.

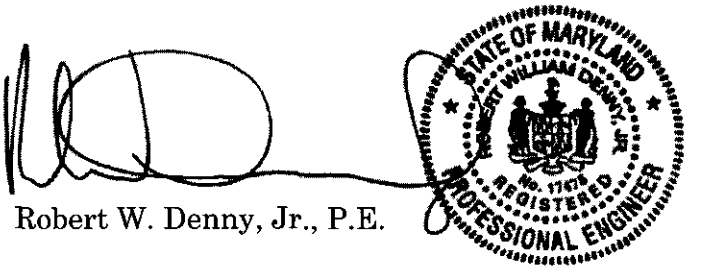
The KARK-DT, Little Rock, Arkansas, reference allotment (DTVP0850) specifies operation on channel 32 with maximum ERP of 1000 kW and antenna radiation center HAAT of 503 meters. The KARK-DT construction permit (FCC File Number BPCDT-19990614KE) specifies operation on channel 32 with maximum ERP of 989 kW and antenna radiation center HAAT of 474 meters. Since the authorized KARK-DT facilities are slightly less than those specified by the reference allotment, the radiation constraints to be associated with the use of channel 32 at Greenwood were developed to limit the interference increase with respect to the KARK-DT reference allotment to less than two percent.

Use of channel 32 at Greenwood became feasible when it was recently confirmed that Mississippi Authority for Educational Television, the permittee of WMAI(TV), Cleveland, Mississippi (FCC File Number BPET-19960919KJ), and WMYC, Yazoo City, Mississippi (FCC File Number BPET-19960919KM), did not plan to construct these authorized facilities. Although the construction permits are listed on the FCC's database as having expired without renewal on June 18, 2001, the permits have not been cancelled. The WMAI and WMYC permittee has recently confirmed that it will not seek reinstatement of the construction permit for either WMAI or WMYC. Therefore, these facilities were not included in the Figure 3 interference study.

Proposals for operation on channel 32 are not required to protect land mobile operations on channels 14-20. Hence, the provisions of Section 73.623(e) of the FCC Rules with respect to DTV-to-land mobile spacing standards do not apply.

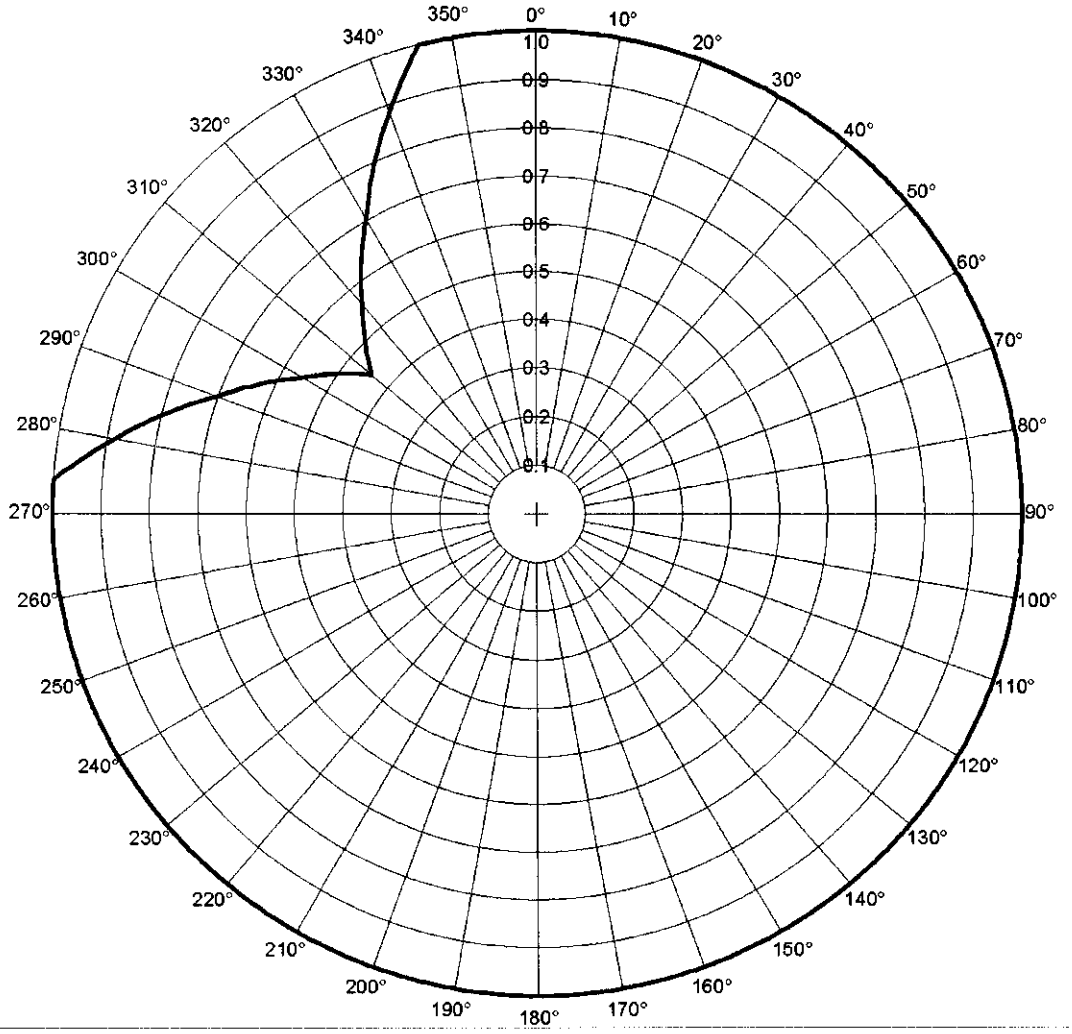
CERTIFICATION

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 10, 2004.



Robert W. Denny, Jr., P.E.

FEBRUARY 2004



ANTENNA HORIZONTAL PLANE RADIATION PATTERN (RELATIVE FIELD)

MISSISSIPPI BROADCASTING PARTNERS
STATION WABG-DT GREENWOOD, MISSISSIPPI
CH 32 1000 KW (MAX-DA, BT) 610 METERS

Denny & Associates, P.C. Consulting Engineers

ENGINEERING EXHIBIT
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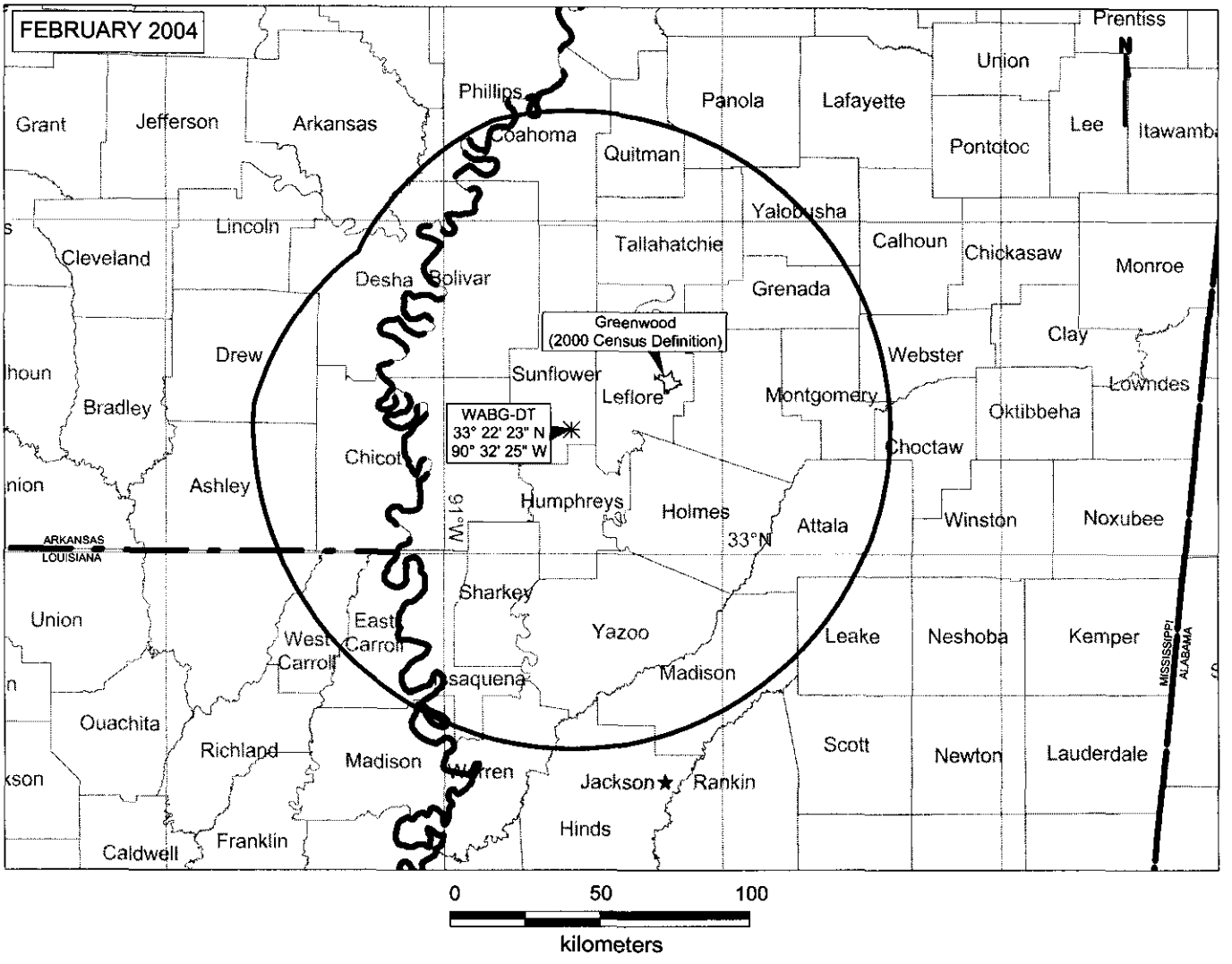
DTV TABLE OF ALLOTMENTS
MISSISSIPPI BROADCASTING PARTNERS
STATION WABG-DT
GREENWOOD, MISSISSIPPI

ANTENNA HORIZONTAL PLANE RADIATION PATTERN DATA

Azimuth (deg. True)	Relative Field	Azimuth (deg. True)	Relative Field
0	1.000	270	1.000
10	1.000	274*	1.000
20	1.000	280	0.884
30	1.000	290	0.702
40	1.000	300	0.558
50	1.000	310#	0.443
60	1.000	320	0.558
70	1.000	330	0.702
80	1.000	340	0.884
90	1.000	346*	1.000
100	1.000	350	1.000
110	1.000		
120	1.000		
130	1.000		
140	1.000		
150	1.000		
160	1.000		
170	1.000		
180	1.000		
190	1.000		
200	1.000		
210	1.000		
220	1.000		
230	1.000		
240	1.000		
250	1.000		
260	1.000		

Pattern Minimum
* Additional Azimuth

Figure 2
Sheet 1 of 3



CALCULATED 48 DBU F(50,90) COVERAGE CONTOUR

MISSISSIPPI BROADCASTING PARTNERS
STATION WABG-DT GREENWOOD, MISSISSIPPI
CH 32 1000 KW (MAX-DA, BT) 610 METERS

Denny & Associates, P.C. Consulting Engineers

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GREENWOOD, MISSISSIPPI

TABULATION OF AVERAGE ELEVATIONS
AND DISTANCES TO COVERAGE CONTOUR

Azimuth (deg. T)	3.2-16.1 km Terrain Average (m. AMSL)	Antenna Radiation Center Height Above Average Terrain (meters)	ERP (dBk)	Distance to 48 dBu F(50,90) Contour (km)
0	34	610	30.0	106.3
10	34	610	30.0	106.3
20	34	610	30.0	106.3
30	34	610	30.0	106.3
40	34	610	30.0	106.3
45	35	609	30.0	106.2
50	35	609	30.0	106.2
60	35	609	30.0	106.2
70	35	609	30.0	106.2
80	35	609	30.0	106.2
90	35	609	30.0	106.2
100	35	609	30.0	106.2
110	34	610	30.0	106.2
120	33	611	30.0	106.3
130	33	611	30.0	106.3
135	33	611	30.0	106.3
140	33	611	30.0	106.3
150	32	612	30.0	106.3
160	32	612	30.0	106.3
170	33	611	30.0	106.3
180	33	611	30.0	106.3
190	33	611	30.0	106.3
200	32	612	30.0	106.3

Tabulation of Average Elevations and
Distances to Coverage Contour
WABG-DT, Greenwood, Mississippi

Azimuth (deg. T)	3.2-16.1 km Terrain Average (m. AMSL)	Antenna Radiation Center Height Above Average Terrain (meters)	ERP (dBk)	Distance to 48 dBu F(50,90) Contour (km)
210	32	612	30.0	106.3
220	32	612	30.0	106.4
225	32	612	30.0	106.4
230	31	613	30.0	106.4
240	34	610	30.0	106.3
250	35	609	30.0	106.2
260	35	609	30.0	106.2
270	35	609	30.0	106.2
274	35	609	30.0	106.2
280	34	610	28.9	104.1
290	34	610	26.9	100.3
300	34	610	24.9	96.4
310	35	609	22.9	92.5
315	35	609	24.0	94.6
320	35	609	24.9	96.4
330	34	610	26.9	100.3
340	34	610	28.9	104.2
346	34	610	30.0	106.3
350	34	610	30.0	106.3
8-Radial Average	34.0	610.0		